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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/217,542	12/21/1998	JAMES MORRISON	8055	8206

26884 7590 11/29/2004

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EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/217,542

Applicant(s)

MORRISON, JAMES

Examiner

DANIEL LASTRA

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 7 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-18 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addy et al (U.S. 6,056,087) in view of Terranova (U.S. 6,098,879).

As per claims 1 and 14, Addy et al teach:

“generating a payment-tendered control signal when a user of said self-service checkout terminal tenders payment for a number of items for purchase” (see column 8, lines 58-67 – column 9, lines 1-4).

Addy et al teach a system with a processing unit that monitors output signals generated by a scanner, a video system and a light curtain device in order to supervise and provide security monitoring of a given checkout procedure. In addition, if the light curtain device detects that the customer placed an item in the post-scan area but the video system did not detect motion associated with the customer attempting to scan the item, and the scanner did not read a product identification code associated with the item, it can be inferred with a high degree of confidence that the customer was intentionally operating the self-service checkout terminal improperly. Since the customer

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appears to have made no attempt to scan the item prior to placing the item in the post-scan area, an entry is made in a log. A security officer may be paged to audit or otherwise investigate the customer's transaction if the log entry exceeds a threshold value (see column 8, lines 10-45).

Addy et al do not teach "detecting if said user exits said checkout area of said retail store and generating a walk-away control signal in response thereto; and generating a personnel-request control signal if said walk-away control signal is generated prior to generation of said payment-tendered control signal". However, Terranova teaches a system that alerts security personnel when it detects that a customer is attempting to walk-away from a checkout terminal before generation of a payment-tendered control signal (see column 34, lines 17-41). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Addy et al system would summoned security personnel, when it detects that a customer is walking away from a checkout terminal before generation of a payment-tendered control signal, as taught by Terranova. This feature would prevent a customer using a self-service checkout terminal to leave the store without paying for the merchandise.

As per claims 2 and 15, Addy and Terranova teach:

"operating a summoning device so as to summon retail personnel in response to generation of said personnel-request control signal" (see Addy column 8, lines 31-45).

As per claim 4, Addy and Terranova teach:

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The method of claim 1, wherein said detecting step includes the step of detecting if said user exits said checkout area of said retail store so as to return to a shopping area of said retail store and generating a return-to-shopping control signal in response thereto, further comprising the steps of:

detecting if said user returns to said checkout area of said retail store from said shopping area of said retail store and generating a return-to-terminal control signal in response thereto; and operating said self-service checkout terminal so as to allow said user to continue a retail transaction in response to generation of said return-to-terminal control signal. Terranova teaches a system that detects if a customer returns to a checkout area and allows the customer to continue a retail transaction in response to said detecting (see column 34, lines 16-42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Addy system would determine if the user is returning to the shopping area and is not leaving the store, and would trigger or disable a signal accordingly. This feature would allow the customer to complete the financial transaction.

As per claim 6, Addy and Terranova teach:

The method of claim 1, generating a personnel-needed-immediately control signal in response to generation of a control signal and operating a summoning device so as to summon retail personnel in response to generation of said personnel-needed-immediately control signal (see Addy column 8, lines 31-45).

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Allowable Subject Matter

3. Claims 3, 5, 7 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is an Examiner's statement of reason for allowance of claims 8-13. Independent claims 8 identifies the uniquely distinct situation in which personnel is summoned when a movement detection mat detects that a customer is attempting to walk away from a self-service retail checkout terminal prior to tendering payment for his or her items for purchase.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

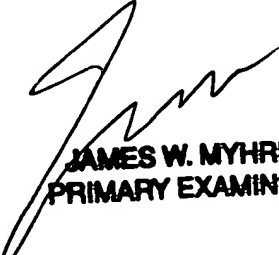
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra

November 18, 2004


JAMES W. MYHRE
PRIMARY EXAMINER